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CONSIDERATIONS

ON THE
ILLEGALITY and IMPROPRIETY
OF PREFERRING
CLERGYMEN

Who are Unacquainted with the
WELSH LANGUAGE,
TO
BENEFICES in WALES.

To which is added,
A SUPPLEMENT,
Containing the Advice and Opinions of the
most Eminent LAWYERS, and the Means
propofed to redrefs the GRIEVANCE.

By J. JONES, A.M.
Fellow of Queens College, Oxon.

The SECOND EDITION.

Sacerdotia ut spolia adepti. TACITUS.

In the Church I had rather speak five words with my
understanding, that by my voice I might teach others also,
than ten thousand words in an *unknown* Tongue. ST PAUL.

L O N D O N :

Printed for W. HARRIS, at N^o 70, in St Paul's Church-yard;
And Sold by H. JONES, at Caernarvon, North-Wales.

M DCC LXVIII.

[Price One Shilling and Six-pence.]



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To the Most Reverend

His G R A C E

T H O M A S

LORD ARCHBISHOP OF

C A N T E R B U R Y.

YOUR Grace's exalted station and character in the Church justify the liberty I have taken in dedicating the following publication to Your

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Grace;

Grace; as it contains a representation of an evil loudly and justly complained of in a remote part of Your Grace's Province. It is the Presentation of persons unacquainted with the Welsh Language to Church-Preferments in the Principality of Wales. I have endeavoured to prove the illegality of such Presentations, and to point out the detrimental consequences resulting therefrom, unless some means should be found out to obviate the growing evil. If the matter was as well treated as the subject is interesting, I should stand in need of no Apology for this public address to Your Grace; and if it should tend to awaken Your Grace's attention to remedy an evil, that
 may

may hitherto have escaped Your notice, I shall think my time and trouble well bestowed.

I have the Honour of being,

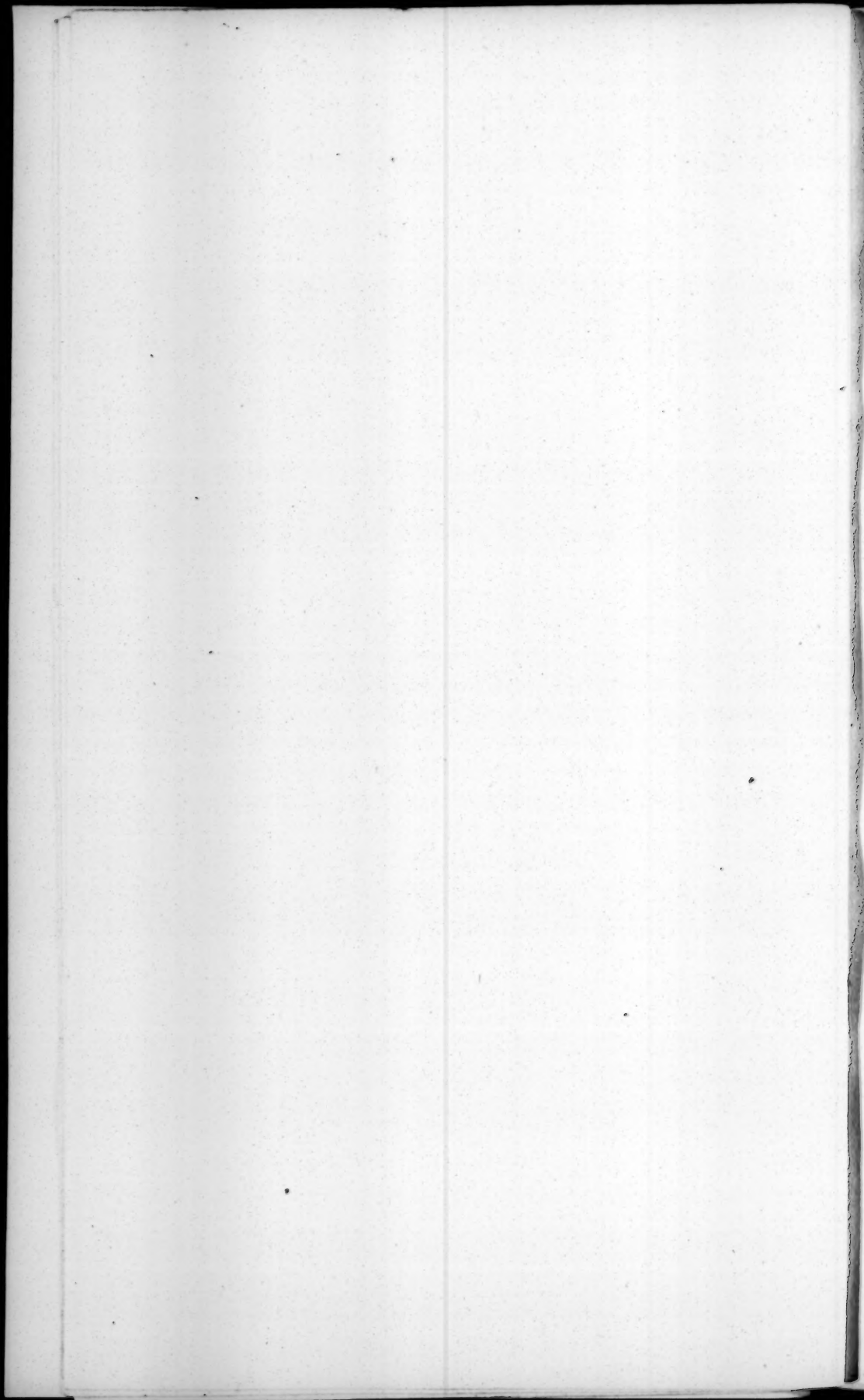
With the most just Sense of

Your Grace's many eminent Virtues,

Your Grace's most respectful,

Humble servant,

THE AUTHOR.



TO THE
Honourable SOCIETY
OF THE
CYMRODORION.

THE readiness with which you have, upon all occasions, adopted every plan that promoted the welfare of the Principality of Wales, and that active zeal which you have always shewn to support her interest, render it incumbent upon me to address you in a publication of this nature.

It is the glorious principle upon which your SOCIETY is founded, and the sole object of its institution, to promote the good of your country in every respect, as far as it lies in your power. You have expressed an ardent desire to remedy the Evil set forth in
the

the subsequent publication, if a proper method could be fixed upon. I have wrote this pamphlet with the view of thoroughly convincing you and all others, of the illegality of some late Presentations to Church-Preferments in Wales; and then I propose communicating a Plan to you and the Gentlemen of that Country, to establish their rights by a legal decision. I doubt not of yours and their ready concurrence to carry so laudable an undertaking into execution.

That sollicitude which you have always expressed for the preservation and cultivation of our ancient Language, is another considerable motive with me for writing this Address to you. A language which (however some may affect to depreciate) was esteemed so necessary to be acquired and understood by all Clergymen that officiated in Wales, that in *Jesus-College in Oxford* (that Seminary for Welsh Clergy, which was founded by Queen Elizabeth) there is a Professorship of the Welsh Language founded, and endowed with a proper stipend. The duty of the
 Professor

Professor is to read Lectures on that Language to the youth there educated, and there is no doubt but that they observe this, with the same punctuality as they do their Statutes, and the wills and intentions of their pious and munificent Founders and Benefactors.

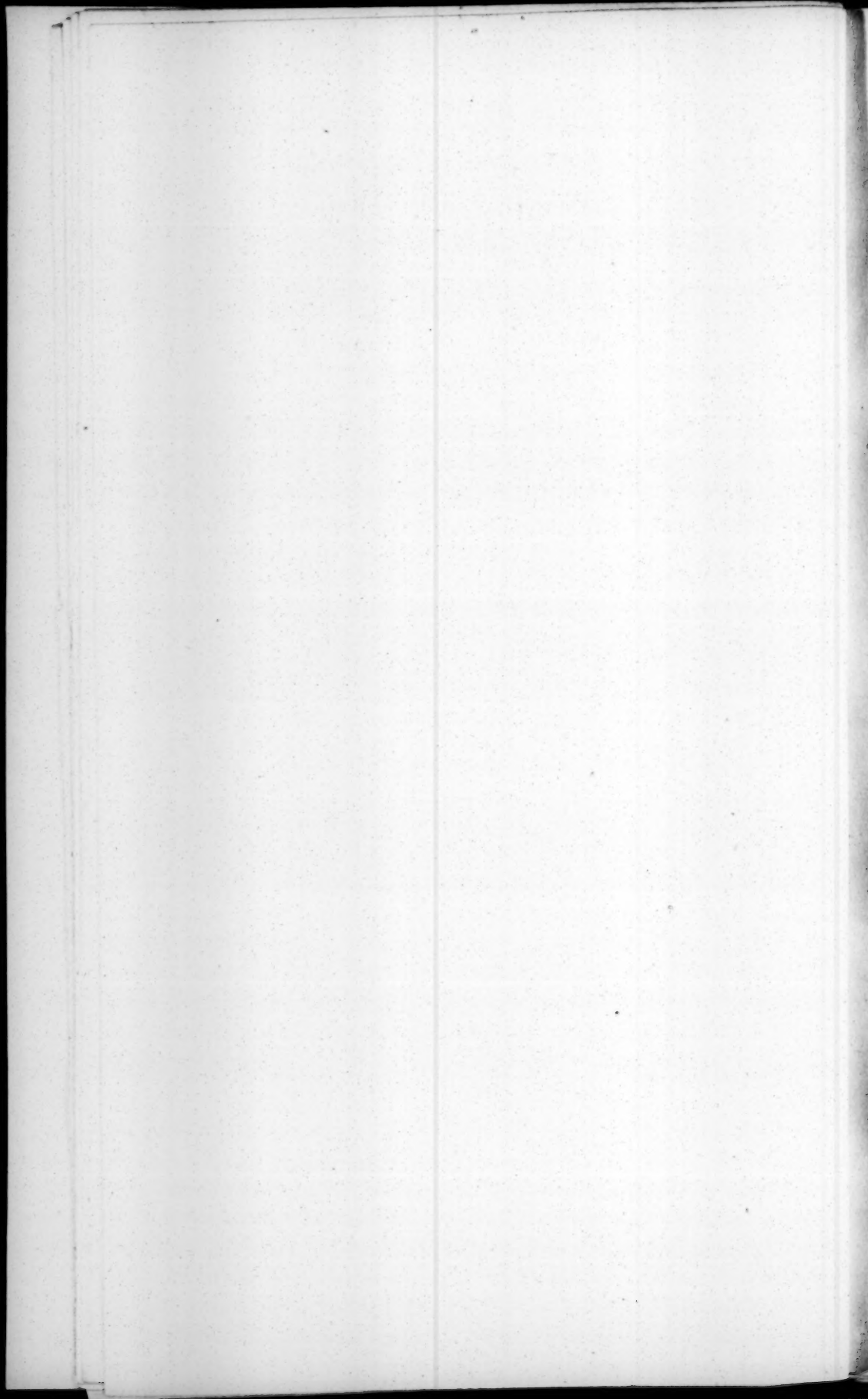
I assure you, my Countrymen, that I am excited by no other motive in publishing this pamphlet but a zeal for the defence of the rights of a Country, which I glory in being a native of, and a just indignation that I feel at the flagrant violation of those rights.

May you, my worthy Countrymen, still go on in those paths which you have hitherto trod; may that public spirit which has hitherto distinguished you, always continue your characteristic; and may you always be an honour to your Country!

I am, Gentlemen,

Your humble servant,

THE AUTHOR.





CONSIDERATIONS

ON THE

*Illegality of Presenting such as are
unacquainted with the WELSH or
BRITISH Language to Ecclesiastical
Benefices in those Parts of WALES
where that Language is in general
used and understood.*

❖ ❖ ❖ S introductory to the subsequent
❖ A ❖ CONSIDERATIONS it will not, I
❖ ❖ ❖ presume, be judged foreign or
impertinent to the subject, to
make a few general Remarks on the Welsh
or British Language.

IT is well known that in the greatest
part of the Principality of *Wales*, no other
language

language * is in common used and understood but the Welsh or British Tongue ; which the inhabitants of that part of this island have preserved for many centuries with a sacred veneration, as an inheritance descended to them from their Ancestors, the Aborigines of this Island. Attempts have been frequently made to eradicate this language from amongst them ; which, as often as made, proved unsuccessful and abortive ; excepting amongst such of the frontier inhabitants as, having an intercourse with the English, must of necessity have adopted some words of their language, as those of the English bordering on Wales have reciprocally done of the Welch.

In Cornwall †, where the British language was some years ago used, (as Borlase in his
history

* Upon the most exact calculation, in the northern counties of Wales, not more than one in forty understand the English Language.

† Cornwall was formerly part of Wales, and was called *West Wales*, as we find by many old authors.

history of that country informs us) it is altogether lost. The inhabitants of Britany in France, who were a colony from Wales, still retain many of the British words, adulterated with an impure alloy of barbarous French. Ireland, the Highlands of Scotland, and the Isle of Man, still retain a dialect of the ancient British or Celtic language. But in particular, so tenacious have been the inhabitants of Wales of their Language and Customs, that notwithstanding it has been the policy of the English Parliament, ever since the conquest of Wales by Edward the First, to introduce the English Language and Customs there, both by planting colonies of English, keeping garisons, giving the Welsh encouragement to learn their language, and to enlist * in the English army; notwithstanding, I say, all these means

* This was the case of David Gam, and several others, who, though highly extolled by English historians, proved a traitor to his native country, in opposing Owen Glendowry, who endeavoured to rescue his country from the slavery of the English.

means which the English pointed out as the most effectual to plant their language, and thereby totally to subjugate the stubborn Britons; yet they could never prevail upon them to submit to that most ignominious badge of slavery, the language of the conquerors.

THIS policy of the English Court, which was wise and well founded before the union of Wales and England by the 27th of Henry VIII. became since that time useless and nugatory. Notwithstanding the manifest inutility of pursuing a plan more closely to connect what was already sufficiently cemented by the many reciprocal advantages resulting from the Union. Henry VIII. Queen Elizabeth, and their successors, had the same intention in view, of planting the English Tongue, and extirpating the British Language. This is evident from several Acts of Parliament. In the preamble to the 27th of Henry the VIIIth, the Act of Union, it
is

is recited, " That the cause of dissensions
 " between the English and Welsh was, that
 " they used a language discrepant, nothing
 " like ne consonant to the mother tongue."

And by the VIth Chapter, Sect. 20th of
 that Statute, it is enacted, " That the Ses-
 " sions and other Courts shall be held in
 " the English Tongue, and Oaths, Affida-
 " vits, and Wagers of Law shall be in that
 " tongue ; and also, that no person or per-
 " sons that use the Welsh Speech or Lan-
 " guage shall have or enjoy any manner of
 " office or fees within the realm of England
 " or Wales, or other the King's Dominions,
 " on pain of forfeiting the office or fees,
 " unless they shall use or exercise the English
 " speech."

AND by the Vth of Elizabeth, Chap. 26,
 it is enacted, that " there shall be two Com-
 " mon Prayer Books in every Welsh Church
 " and Chapel, one Welsh and one English,
 " in order that by comparing them they
 " may sooner attain to the knowledge of the
 " English Language."

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Thus

THUS we see how desirous the English have always been of introducing their language into the Principality of Wales ; yet they never went so far as to deny the Welsh the use of their own tongue in their public religious worship. They, on the contrary, allowed and confirmed it by two different Acts of Parliament, the 5th of Elizabeth, and the 13th and 14th of Charles the Second.

It is the infringement of this right that has obliged the Author, however unequal to the task, to enter the lists as an advocate for the privileges of his Countrymen, and to trouble the public with the following CONSIDERATIONS.

IN treating this subject, he proposes first to prove the illegality of presenting persons unacquainted with the British Language to Benefices in such parts of Wales as that tongue is in common used and understood ; then to point out the detrimental consequences arising from such Presentations to the Principality ; and to conclude with an address

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address to all such as are any way concerned, either immediately or remotely, to concur in the means that will be proposed to have this matter finally settled by a legal decision.

THE illegality of presenting persons unacquainted with that language, is the first and most material point to be established. In treating on this head it might copiously be insisted upon, that it would be an infringement upon, and a violation of the natural rights and liberties of mankind, to prevent any people from performing their public religious worship, and from paying the joint tribute of homage and adoration to the divine Being, in the language which they are acquainted with.

THE appointment of Priests for the performance of sacerdotal functions, who are totally unacquainted with the language understood by the people, is in effect such a prevention. This is in itself so absurd and contradictory to the common sense and reasoning of mankind, that no legislative power

would enact such a thing ; and were it to be enacted, such an act would be of course void, as being repugnant to the eternal and immutable laws of God and Nature, on which alone all human laws must be founded, and from a congruity to which they receive a sanction and become obligatory. Such a law, if such a law could ever, either directly or by constructive implication, have existence, would be not only absurd, but impious and heretical, to utter words in worship, the force and meaning of which we are unacquainted with ; and would be to adopt the most enormous absurdity for which Popery is justly stigmatised, and which was one of the chief causes of the Reformation. Even the Roman-catholic Missionaries never went so far as this. For in Asia and America, where they have settled, they constantly procured persons well acquainted with the language of the country to preach to the natives ; and many of them were indefatigable in attaining a knowledge of the language used by the natives. But laying

ing aside these considerations, we are principally to attend to what the municipal laws of England say on this subject. It is much to be regretted that there were not more cases in point, yet enough can be collected to convince every unprejudiced reader of the illegality of such Presentations,

THE Bishops in Wales were generally natives of that country, and well acquainted with the language, till lately* ; and such a knowledge was esteemed as a necessary qualification for a Bishop in that country. This is clear from the Acts of Parliament of the 5th of Elizabeth, and the 13th and 14th of Charles the Second, Chap. 4. Sect. 7. the Act of Uniformity, whereby it is enacted, That the Holy Scriptures and Common

B 3

Prayer

* It may with submission be hinted, that the Welsh Judges ought to be acquainted with the Language used in Wales. For the Evidence in the Courts of grand Sessions is given in Welsh, and the Jury seldom understand a word of English, which renders it impossible for the Judge to give them proper Directions to find a Verdict. This is the reason why so few actions are laid in Wales, which puts the Parties to the great Expence of English Trials.

Prayer shall be translated into the Welsh Tongue ; and it is also enacted, That it shall be revised and corrected by the Bishops of Bangor, St Asaph, St Davids, Hereford and Landaff. The inference is clear, that they must be well, that is, critically versed in the Welsh Tongue, before they could be able to revise the Bible and Common Prayer therein. And it shews the sense of the legislature at that time, that a knowledge of that Language was esteemed as an indispensable and necessary qualification.

THOUGH it is irrefragably clear that all the Bishops in Wales ought to be acquainted with the Language used in that country, both from the above-mentioned Statutes, and the undeniable argument of the impossibility they lie under of properly performing the duty of their functions without it. Yet as this point has been unaccountably given up for some time, it was not immediately insisted on as the object of these Considerations : but particularly that the Rectors and

and Curates of such Parishes where the Welsh Tongue is in common used and understood, ought to be acquainted with that language.

THE duty of a Rector and Curate, it is apprehended, is to read in the church the Liturgy of the Church of England, as established by law ; to administer the ordinances of the Church ; to pray and to preach, to exhort and to admonish the people under his care, both in public and in private ; to visit the Sick and Afflicted, to give them spiritual advice and consolation. How a Minister, that understands not his People's Language, nor the People the Minister's, can do all, or any part of this, must remain a mystery to every man of common understanding. And how a certain great Dignitary of the Church could say, That he could answer the presenting such a person to God, and his own Conscience, is nearly as mysterious.

WHAT can be collected upon this subject from the Articles, from the Statute-Law, and from the Determinations of Courts of Law, come next to be considered. The Articles of the Church, which the Clergy are sworn to observe, and which ought to be their guide, expressly and positively say, That "it is contrary to the Word of God, "and the practice of the primitive Church, "to pray in a Language that is not understood." To prevent the suspicion of misrepresenting, I shall recite the Article as it is printed.

" *Article XXIV.* It is a thing plainly
 " repugnant to the word of God, and the
 " custom of the primitive Church, to have
 " public Prayer in the Church, or to minister the Sacraments in a Tongue not understood of the People."

THAN this Article nothing can be more express and apposite. As to the Statutes, there are two which particularly refer to this matter.

matter. The 5th of Elizabeth, Chap. 28,
 and the 13th and 14th of Charles the Se-
 cond. The Statute of the 5th of Elizabeth
 is intituled, " An Act to translate the Bible
 " and Common Prayer into the Welsh
 " Tongue. The Bishops of Hereford, St
 " Davids, Asaph, Bangor, and Landaff,
 " shall take such order for the souls healths
 " of the flocks committed to their charge,
 " that the whole Bible, containing the New
 " Testament and Old, with the Book of
 " Common Prayer and Administration of
 " the Sacraments, as is now used within the
 " realm in English, to be truly and exactly
 " translated into the British or Welsh
 " Tongue. And that the same so translated,
 " be by them viewed, perused, and allow-
 " ed, be imprinted to such a number, at
 " the least, that one of either sort may be
 " had for every Cathedral, Collegiate and
 " Parish Church, and Chapel of ease, in
 " such places and counties of every of the
 " said Dioceses, where that Tongue is com-
 " monly

“ monly spoken or used before the first of
 “ March, 1566. And that from that day
 “ forth the whole divine Service shall be
 “ used and said by the Curates and Ministers
 “ throughout all the said Diocesess, where
 “ the Welch Tongue is commonly used, in
 “ the British or Welch Tongue, in such
 “ manner and form as is now used in the
 “ English Tongue, and differing nothing
 “ in any order or form from the English
 “ Book ; for the which Book so imprinted
 “ the Parishioners of every of the said Pa-
 “ rishes shall pay one half or moiety ; and
 “ the Parson and Vicar of every of the said
 “ Parishes where both be, or else but one
 “ of them where there is but one, shall pay
 “ the other half or moiety. The prices of
 “ which books shall be appointed and rated
 “ by the said Bishops and their Successors,
 “ or three of them at the least. The which
 “ thing if the said Bishops or their Successors
 “ neglect to do, then every one of them
 “ shall forfeit to the Queen’s Majesty *Thir-*
 “ *teen*

“ *teen Pounds*, to be levied on their goods
 “ and chattels ; and one book containing
 “ the Bible, and one other book of Common
 “ Prayer, shall be bought and had in every
 “ church throughout Wales, in which the
 “ Bible and Book of Common Prayer in
 “ Welsh is to be had, by force of this Act
 “ (if there be none already before the first
 “ Day of March, 1566) and the said Books
 “ to remain in such convenient places with-
 “ in the said Churches, that such as under-
 “ stand them may resort at all convenient
 “ times to read and peruse the same ; and
 “ also such as do not understand the said
 “ Language may, by conferring both
 “ Tongues together, the sooner attain to
 “ the knowledge of the English Tongue,
 “ any thing in this Act to the contrary not-
 “ withstanding.”

THUS rests this matter on the 5th of Eli-
 zabeth, which is farther confirmed by the
 Act of Uniformity the 13th and 14th of
 Charles

Charles the Second, Chap. 4. Section 27. which enacts the same with the 5th of Elizabeth, *totidem verbis* ; and which, therefore, is unnecessary to be quoted here.

It would not be improper to make one observation upon this Statute, namely, that it is expressly said, “ It shall be read and “ used through *All Wales*, where the Language is in common spoken, by the Curates *and* Ministers,” not by the Ministers or Curates.

ON the Act of the 5th of Elizabeth, Trinity 27 Elizabeth, there is a case of Law founded, which we find reported in 1st Leonard 39. and Crooke, Elizabeth 119. Each of which Reports for the satisfaction of the reader shall be laid before him, omitting only a few passages of obsolete learning, which the ingenuity of later Judges has rendered altogether useless ; and it is happy for the nation that those quirks and niceties

niceties of Law, which were formerly too much regarded, are now in a great measure thrown off.

*Albany and the Bishop of St Asaph,
Trinity 27 Eliz. C. B. 1st Leonard 39.*

ALBANY brought a *Quare impedit* against the Bishop of St Asaph, who justified for lapse : The Plaintiff by replication said, That before the six months expired, he presented to the Bishop one Bagshaw, a Master of Arts, and preacher allowed. The Defendant, by way of rejoinder, said, That the Church upon the presentment to which the action is brought is a Church with cure of Souls, and that the Parishioners there are *Homines Wallici Wallicam loquentes linguam et non aliam* ; and that the said Bagshaw could not speak or understand the Welsh Language ; for which cause he refused him, and gave notice of such refusal, and of the cause of it. Upon which
the

the Plaintiff did demur in law. And first, it was agreed and resolved by the whole Court, that in the computation of six months in such cases the reckoning ought to be, not according to the Calendar, but *secundum numerum singulorum dierum*, allowing twenty eight days to every month. Walmsley, Serjeant, argued for the Plaintiff; and he took exceptions to the rejoinder: For in that the Defendant had departed from his bar; for in the bar, the Defendant intitles himself to the Presentment by reason of lapse, and in the rejoinder he confesseth the Presentment of the Plaintiff, and pleads his refusal of his Clerk, and shews the cause of it, *scil* the want of the Welsh Language, which is a departure; and he cited several cases. As to the exception, the Court took not much regard, but as to the matter in law, it was argued by Walmsley, that the defect of the Welsh Language, assigned by the Defendant in the presence of the Plaintiff, is not a sufficient cause of refusal; for notwithstanding

ing that it be convenient that such a Presentee have the knowledge of such Language, yet by the law of the land ignorance of such language, where the party hath more excellent Languages, is not a disability; and therefore we see that many Bishops in Wales, who have the principal care of Souls, be Englishmen, and the Welsh Language may easily be learned in a short time by converse with Welshmen; and the Statute of the 1st of Elizabeth, which established the Book of the Common Prayer, ordained, that the said Book of Common Prayer shall be put in use in all the Churches of England and Wales, without any provision for the translation of the said Book into the Welsh-Tongue. But afterwards by a private Statute it was done, by which it is enacted, that the Bishops of Wales should procure the Epistles and Gospels to be translated and read in the Welsh Language; which matter our Presentee might do by a Curate well enough; and he conceived that by divers Statutes Aliens by the common Law were capable of Benefices

(7th

(7th Hen. II. 1st Hen. V. 4th Hen. VI.)
before the last, Irishmen were capable of
holding Benefices.

Gawdy, Serjeant, contrary : And he confessed, That at the common Law the defects aforesaid were not good causes of refusal, but now by reason of a private Act, 5th of Elizabeth, the same defect is become a good cause of refusal, in which Act the mischief is recited ; namely, That the inhabitants of Wales did not understand the English Language, therefore it was enacted, That the Bishops should procure so many Books to be printed as there are Parishes and Cathedral Churches in Wales ; and so, upon this Statute, this imperfection is become a good cause of refusal. As to this point, it was said by Lord Anderson, That it is very true, that upon the said Statute, the *want of the Welsh Language in the Presentee is become a good Cause of Refusal* ; but because that Act, being a private Act, not
being

being pleaded by the Defendant, we ought not to give our judgment according to that Act, but according to the Common Law.

This case went off likewise on another point, as will be seen by the following concise and clear Report of Sir George Crooke.

Crooke, Elizabeth 119.

Quare Impedit for the Church of Whittington.

THE Bishop pleaded the Service there to be in the Welsh Tongue. And that the Parishioners understood not the English, and that the Presentee could not speak Welsh, and therefore he refused him. And, *all the Justices held this a good cause of refusal;* for he cannot instruct his flock according to his duty and charge. But in this case the Plaintiff had presented sixteen days within the six months, and the Bishop gave no notice of the inability of the Clerk till three days after the expiration of the six months. And the Court held, That notice ought to

be given to the Patron himself, if he be resident in the County; if not, a public Intimation ought to be on the Church door, and notice of the matter ought to have been given immediately when he was presented and examined, or within such convenient speed as might be; but when the Bishop is to enquire of the behaviour of the Clerk, he shall have longer time; for this cause judgment was given for the Plaintiff.

It may not be improper to make a few cursory observations upon the foregoing Reports. It is said in *Leonard's Report* of this case, That the 5th of Elizabeth is a private Act, and as it was not pleaded, the Judges must give Judgment according to the Common Law. I must inform such as are unacquainted with the law, that the Judges are only, by virtue of their office, to take notice of public Acts of Parliament; and private Acts, if they would be taken any advantage of, must be specially pleaded, that is, particularly set forth in the writings previous

vious to the hearing of the cause. But I find that this Act is printed as a public Act in our Statute Book. Whether it is the mistake of the Reporters or Editors of the Statutes, I know not; most probably of the latter. However this may be, it is certain that the 13th and 14th of Charles the Second is a public Act, and as such, if any future litigation should commence, need not be taken notice of in pleading.

As to the other point upon which this case was determined, that “ where the Benefice is in the disposal of a Lay Patron, notice must be given by the Bishop of the inability of the Clerk before the six months are elapsed, to the Patron, if circumstances will admit.” Where the Bishop himself collates, there no notice is necessary to be given of the inability, for the Bishop may collate to the Benefice the day preceeding the six months expiration. In such a case, there can be no time to give notice; and besides, it is not in the power of any one to

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give

give notice. For the examination as to the Clerk's learning, knowledge, and morals, lies solely on the Bishop; and if he collates a person by law disabled to hold the living, the collation is *ipso facto* null and void, and unless a proper person is collated within the six months, the living must of necessary consequence lapse.

ANOTHER Inference may be collected from these Reports, That it is incumbent upon the Bishop to examine the persons presented to Livings in Wales, where the Welsh Language is in common spoken, in the knowledge they have of that Tongue; and consequently, it requires a competent knowledge of that language in the Bishop, to be able to examine them. This shews the necessity there is of having Bishops in that country that are well acquainted with the language: Though we find by the Reporter, that even in Queen Elizabeth's time, there were, he says, many Bishops in Wales that were Englishmen. This, I apprehend,
was

was before the 5th of Elizabeth; afterwards, till of later years, we generally find natives of the country preferred to Bishopricks there, on account of their knowledge of the Language. It is certain, that in the Diocese of Bangor, Bishop Hoadly was the first that was preferred to that See who was not a native of the country. And there never was an instance of a Clergyman being preferred to a Living there, till Dr Bowles, late Rector of Brackley, and one Mr Hill, a Scotch Gentleman, both whom were preferred there within these two years. In the Diocese of St David's and St Asaph, this practice is not so novel.

To proceed upon these Reports. Upon the examination of the cases above quoted, it must seem a matter of surprise and wonder, how this point should be now questioned. It being said expressly by Leonard, That Lord Anderson, (who was the Chief Justice of the Common Pleas at that time, and a man of acknowledged abilities in the Law), said, "That upon the Statute of the 5th of

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" Elizabeth,

“ Elizabeth, the want of knowledge of the
 “ Welsh Language in the Presentee is be-
 “ come a *good* cause of refusal.” And Sir
 George Crooke, who was himself a Judge,
 says, “ That *all the Justices* held it a *good*
 “ cause of refusal ;” and they give this rea-
 son, that cannot be contradicted, “ That
 “ without the knowledge of the Language,
 “ he cannot instruct his flock according to
 “ his duty and charge.”

THUS we find, that all the Justices were
 unanimous on this point: Why then should
 it now be doubted?

HAVING considered the Question in the
 only light that it can with propriety be con-
 sidered, upon principles of Law and Reason;
 and not having, to the utmost of my know-
 ledge, omitted, concealed, or misrepresented
 any one circumstance that made either *for*
 or *against* the Legality of the Question con-
 sidered; it must seem very extraordinary to
 every indifferent person upon what ground

or

or authority a contrary opinion, to what I have endeavoured to establish, could be founded. And yet, strange as it may seem, such an opinion has been given, by a Chancellor of a certain Diocese in Wales, totally contrary to Law; whereby the consciences of many learned men, Patrons of Livings in Wales, have been most iniquitously misled. However, in justice to a People who think themselves injured, the Chancellor is hereby called upon (if he is able) to answer this Pamphlet, and to publish his opinion and reasons at large.

It is not improbable, but that the learned Chancellor will be so hardy as to alledge, that, As long as a Welsh Curate is kept, it is a matter of small consequence who enjoys the profits of the Benefices; and that the Rector may live luxuriously on his Tithes and Offerings, whilst the poor underling Curate starves on the sorry pittance of *Twenty Pounds per annum*.

THE same argument was urged by Serjeant Walmsley in the case of *Albany and the Bishop of St Asaph*, before quoted ; which the Court paid no attention to.

IF that case does not carry conviction with it, I would moreover inform this law-learned Chancellor, that such an abominable indulgence is totally contrary to the Spirit of the Laws of England, and to that well-known maxim, *Qui sentit commodum sentire debet et onus*.

Even in former times of Popish Superstition and Bigotry, as far back as the reigns of Edward the Third and Richard the Second, (the 25th Edv. III. 13th and 16th Ric. II. called *the Statutes of Provisors*) the Law guarded against this iniquitous licence of persons enjoying Benefices when incapable of doing the duty. These Statutes were enacted against Foreigners being preferred to Ecclesiastical Benefices ; and those who procured such preferments incurred a premunire. This was done upon the principle of that equitable

table maxim, " That he ought not to reap
 " the emolument who did not perform the
 " duty."

AND the indulgence in keeping a Curate, is in no case intended otherwise than as an assistance to the Rector, who by age, infirmity, or other misfortune, is incapable of doing the *whole* duty himself.

BESIDES, I would inform the Chancellor, that Rectors are obliged, notwithstanding they keep Curates, to read the Service once a month in their own Churches, in the Language used in common and understood by the people, under the penalty of *Five Pounds* for every omission, upon conviction before two Justices of Peace, on confession or oath of two witnesses, to be levied by warrant of distress; this is enacted by the 13th and 14th of Charles the Second, Chap. 4, Section 7: The Justices in Wales may, if they think proper, put this Act in execution against such

as are illegally preferred to Church-Benefices in that Principality.

THUS having, it is presumed, sufficiently proved the Illegality, the detrimental Consequences arising from such Presentations are next to be considered.

THE greatest part of the Principality of Wales, by its situation, and the great distance it is from the metropolis, is almost entirely secluded from all the beneficial advantages of trade and commerce. The produce of their own country is their chief, and almost only support. What remains after supplying their home-consumption, is exported; the money they receive in return for their Commodities serves them for the purposes of Hospitality, not Luxury. As money is not otherwise valuable than as it is the means of acquiring the necessaries and conveniencies of life, they know no other use for it. If accumulated quantities of gold and silver are the only criterion of Wealth, they are poor;
if

if Plenty is, they are rich. Happy in finding an asylum among those impregnable fortresses built by the hand of Nature, which were formerly their security against the power, and since against the luxury of the English. Invironed on all sides by these, they enjoy tranquillity without indolence, liberty that degenerates not into licentiousness, and plenty without luxury. Thus they enjoy a happiness unknown in better cultivated countries, which opulence cannot purchase.

DEBARRED by their Situation from any interest or connection with the mercantile world, they entertain not an idea of bringing their children up to Trade. They likewise look upon trade in the same light as most nations on the continent of Europe do, that are strangers to the emoluments arising from it, as mean and ignoble.

If their connexion with Trade is inconsiderable, it is still more so with the Court. They have no connexion or acquaintance
with

with men in place and power. Thus destitute of friends and interest among the great, they cannot bring up their sons to any of the departments of the Law, the State, the Army or Navy, with any probable view of their succeeding. Placed in this disadvantageous situation, to what profession can the Gentlemen of that country educate their younger children? The eldest son is generally brought up to be a Gentleman, to inherit his father's estate, and lead an idle life. The youngest are sent to College, with a view to some ecclesiastical preferment, or lead a life of servile dependence on their eldest brother. We consequently find that there are near ten times the number of persons brought up to the Church from Wales, to what there are (in proportion to the number of inhabitants) from any other part of the kingdom.

If it should be allowed that persons unacquainted with the Language should be proper Presentees to Livings in Wales, in a short time there would not be one native of
that

that country who would have any preferment there. For the Bishops, and other Patrons, not being natives, but English or Scotch, will consequently have connexions in England or Scotland, and such acquaintance will only be preferred.

ECCLESIASTICAL Preferment (it is a melancholy truth) as well as every other kind, is not always acquired by merit, by a strictness and probity of manners, by a holy and religious life and conversation. Such a deportment is too often branded with the odious names of *Hypocrisy* and *Methodism*. We find the gay, the licentious, the man of this world, acquire preferment by venal and simoniacal means, by borough-interest, or if he can pander for the pleasures of a great man, if he can, with a Spaniel-like adulation, that is a disgrace not only to Christianity but to Humanity itself, fawn and cringe to his Patron, praise what he praises, and dislike what he dislikes. This is the broad road to Church preferment! Thus when the inhabitants

bitants of Wales find that a door is shut upon them to exclude them from all Preferment in the Church, they will not think it worth the expence and trouble of giving their sons an University-education for a poor Curacy of *Twenty Pounds per annum*, which, in great condescension, the Rectors may permit them to enjoy. Thus every inducement to a liberal education will be taken away; and we shall be involved in Gothic ignorance and barbarity.

IN those Parishes where persons unacquainted with the Welsh Language have been preferred, there has been manifestly a decay of religious worship. The Churches are deserted; the people will not hear what they do not understand. We will suppose that nothing but Welsh was to be preached in the Churches in England; would the people attend to such Sermons? The case is exactly similar. Why then should the inhabitants of Wales be obliged to hear English preached in their Churches? In some parts
of

of Wales, the Service has, without a shadow of a reason, in an arbitrary manner been changed from Welsh to English.

It is not doubted but some persons may assert, as the Bishop of St Asaph has done, in his Sermon preached in Christ Church, London, 26 April 1753. “ That it is the
 “ true interest of the Welsh to enlarge their
 “ views and notions, and to unite with the
 “ rest of their fellow-subjects in Language
 “ as well as Government.” In complaisance to the learned Prelate, his assertion shall be allowed all the weight that he can desire. It is granted then that it would be their interest to learn the English Language. Can it be inferred from hence that it would be therefore proper to compel them to learn the Language, by obliging them by such impious and illegal methods, as to have Prayers and Sermons in an *unknown tongue*? Nor would it after all conduce in the least to their learning English, to have an English Sermon and Prayers read to them once a week. It may as well be asserted, that a person could attain

to

J. Evans

to the knowledge of the Greek Language by hearing another read it for an hour every Sunday.

THIS argument was thoroughly canvassed in the time of Queen Elizabeth. It may not be improper here to insert a translation of Dr William Morgan's Epistle Dedicatory to that Queen on this subject, as it is not doubted but that the sentiments of such an eminent Prelate will be of great authority.

“ IF some persons have a mind that our
 “ Countrymen should be compelled to learn
 “ the English Language for stricter union
 “ sake, rather than that the Scriptures
 “ should be translated into our Language,
 “ I would have such, while they consult the
 “ advantages of union, to be more cautious
 “ lest they hurt the truth; and while they
 “ promote concord, I wish they would take
 “ take care lest they drive away Religion.
 “ For though I grant it is much to be
 “ wished, that the inhabitants of the same
 “ Isle should be of the same speech, yet it
 “ must

“ must be considered at the same time, that
 “ it requires so much time and trouble to
 “ accomplish it, that to suffer the people of
 “ God, in the mean while, to famish with
 “ the most miserable hunger of his word,
 “ would be too tyrannical and cruel. And
 “ after all, the likeness and agreement of
 “ Religion availeth more towards union
 “ than that of Language. Besides, to pre-
 “ fer union to piety, conveniency to religion,
 “ and a sort of an outward concord betwixt
 “ mankind to that laudable peace which the
 “ Word of God impresseth on the hearts of
 “ men, is not over-pious.—Lastly, How
 “ foolish are they who think that the prohi-
 “ bition of the Word of God in our mother
 “ tongue, in order that another may be
 “ learned, would avail any thing. For un-
 “ less Religion will be learned in the vulgar
 “ Language, it will lie concealed and un-
 “ known. For of that thing one is ignorant
 “ of, he knows not likewise its use, delight-
 “ fulness, and value, nor will he be at any
 “ pains to acquire it.

D

WHEREFORE

“ WHEREFORE it is my humble request
 “ to your Majesty, That you will not on any
 “ account suffer yourself to be stopped (nor
 “ will you, I am well satisfied, be stopped)
 “ but will continue to bless those whom you
 “ have already been kind to, and whom you
 “ have enriched with the translation of one
 “ Testament, you will vouchsafe to grant
 “ them the other. To whom you have
 “ given one udder of Truth you will grant
 “ the other. And that you will endeavour
 “ fully to perform what you have once pro-
 “ posed; that is to say, that all your people
 “ may hear the wonderful Things of GOD
 “ in their own Language, and that every
 “ tongue shall praise GOD.”

SUCH are the words of this learned Welsh
 Bishop, who boldly pleads the cause of Re-
 ligion and his Country before his Sovereign.
 To this may be added the authority of the
 great Archbishop Tillotson, to shew how ne-
 cessary and laudable a work he thought it,
 that the Welsh should have religious in-
 struction conveyed to them in their own
 Language.

Language. I shall make a few extracts from the Sermon preached by him at the funeral of Mr *Thomas Gouge*, 1681, at *St Anne's Blackfryars*.

HE says of Mr Gouge, " For about nine
 " or ten years last past, he did almost wholly
 " apply his charity to Wales, because there he
 " judged was most occasion for it ; and be-
 " cause this was a very great work, he did
 " not only lay out upon it, whatever he could
 " spare out of his own estate, but employed
 " his whole time to engage the charity of
 " others. In this he had two excellent de-
 " signs, to have poor Children brought up
 " to read and write, and be carefully in-
 " structed in the Principles of Religion. The
 " other, to furnish persons of grown age, the
 " poor especially, with the necessary helps
 " and means of Knowledge, as the Bible, and
 " other books of piety and devotion in their
 " own Language."

THE Archbishop, after giving an account of the books translated and published, gives us the most exalted eulogium on the author

of so beneficent and pious an undertaking. He then adds, " And now methinks it is
 " pity so good a design, so happily prof-
 " cuted, should fall and die with this good
 " man."

As it may be thought prolix to give any more quotations, the reader that is desirous of seeing more on this subject, is referred to the Sermon itself with a brief account of Mr Gouge's Life, by this most eminent Archbishop.

It may here be remarked, that what was looked upon some years ago by all the eminent Divines as a work of the greatest utility, that is, the printing of books of piety and devotion in the Welsh Tongue, is now most scandalously neglected by those whose duty it is to take care of such Things.

UPON a late application for printing a Folio edition of the *Welsh Common Prayer*, the author has been credibly informed, that there were not less than three out of four of the — strongly averse to it.

To

To all the foregoing evils arising from the Presentations of improper persons to ecclesiastical Benefices, may be added the manifest growth of Popery, Moravianism, and Methodism. The former of which has of late become so alarming that it is the object of parliamentary consideration. Moravianism and Methodism increase much more perceptibly. In many parts of Wales almost all the inhabitants are of these denominations. What can this be attributed to? The answer is obvious and clear; To the presentation of improper persons to Church-Preferments.

HAVING, with all the conciseness that the subject was capable of, proved the illegality of presenting such as are unacquainted with the Welsh Language to Livings in Wales; and briefly enumerated the detrimental consequences arising from such Presentations, the author, if mistaken in what he has advanced, is desirous of being confuted, provided it be done with candor. And if he sees a greater reason for altering his opinion,
he

he will readily acknowledge it. But if what has been advanced is a just and impartial state of the case, What shall be said of those who have been the cause of these illegal Presentations? The writer of these considerations will use no invectives against them, however justifiable it might be, but only say, that they ought to take shame to themselves, and by their future conduct atone for their past ill behaviour.

AFTER all that has been said, it may well be thought needless to address the inhabitants of Wales, to use some efforts to remedy this growing evil, pregnant with such detrimental effects to the whole principality. The spirit of our forefathers would not long suffer a cause of this moment to remain undecided: That spirit which, to the disgrace of our country, their unworthy posterity have lost. At that ever-memorable æra when Austin the Monk was deputed by the Roman see to fix the yoke of sacerdotal despotism, and rivet the chains of pontifical tyranny on the British Clergy, they, with a spirit

spirit of freedom, unknown to these latter times, opposed their unjust encroachments, and resisted their usurpations. But what shall we say of the modern British Clergy, who tamely see their privileges trampled upon, themselves reduced to a state of servile dependence on strangers, to become Hirelings for *Twenty Pounds per annum*; and after spending their fortunes in a collegiate education, to lead a life of obscurity and indigence, and all this without making one effort to redress their grievances!

IF a sense of their sufferings will not awaken them, all that can be said by me, I am sensible, will be of no weight. Though they continue inactive and inattentive to their own good, it will be some consolation to the Author that he has done his duty to his Country in submitting, with all due respect and humility, these Considerations to the public.

IF the zeal with which these Considerations have been wrote has extorted from the
 Author


Author any improper and unbecoming warmth of expression, or betrayed him into inaccuracies, he doubts not but he will find an easy pardon from every man of learning and candor, especially as the sole motive of his writing these sheets, was with a view of awakening the attention of those in whose power it is to redress the grievances here set forth.

F I N I S.





S U P P L E M E N T.


 HE very favourable reception that the first Edition of the foregoing *Considerations* has met with, and the united requests of many Gentlemen of conspicuous rank in life, who have signified their approbation of the Author's design, and their ready and hearty concurrence in any measure that may be judged effectual to remedy so great a grievance, are the motives that have induced the publication of this Supplement.

E

The

The Author has been informed that the learned Chancellor of the Diocese of *B*— is much offended at having his opinion controverted in the preceding *Considerations*. What was there said was not from any disrespect to his abilities (to which no man pays greater deference than the Author) but with a view of prevailing upon him to retract so hasty and ill-founded an opinion, which has been attended with such bad consequences. It has been industriously propagated, that the Chancellor has denied giving that opinion. To be convinced of the truth of such an assertion, a letter was sent to Wales to know whether such an Opinion was given, and what it was. To which the following Answer was received.

Bangor, Nov. 5, 1767.

S I R,

The Chancellor's opinion is not in any one's custody in this Town; it is with Dr Bowles, to whom it was transmitted by the Bishop for his satisfaction; so that I am afraid it is impossible to procure a sight or copy of it; but as I have heard it so frequently spoke of, I will endeavour to give you as good an account of it as I can.

He

He says, that reading the service after institution and induction, is enjoined by the Act of Uniformity; and that the Act no where requires it be done in the Welsh Tongue. And in the very chapter which directs the procuring of Welsh Books, he observes are these words, “ And one other Book “ of Common Prayer in the English Tongue, “ &c.” (vid. the Act) from which words he would infer, that it was the meaning of the Act, that the English Tongue should be promoted and encouraged in Wales; and he knew no way more effectual than by preferring Englishmen to Benefices there, especially there being no Law to the contrary.

I am yours, &c.

Such is the substance of the Chancellor's opinion, as it was transmitted by a Gentleman of credit and veracity. He does not presume to assert that this is an exact account of the Chancellor's opinion. But whether this is, or is not his opinion, or whether he has ever given any, it is incumbent upon him to shew, to prevent an indelible stigma being fixed upon him, for presuming to give an opinion,

E 2

whereby

whereby *the rights of the whole Principality* have been arbitrarily invaded, which he thinks it imprudent to avow.

The Author here begs leave to say, that he has advanced nothing in the foregoing *Considerations* with a view of reflecting on the conduct or characters of the pious and learned B—ps of Wales, or the late Bishop of St Asaph, for whom the Author professes the highest veneration and respect. What was said was with no other view than to the elucidating of a subject which has hitherto unfortunately been too little attended to, and of awakening the attention of the B—ps of Wales, and others who are principally concerned.

Before I proceed to point out the methods that may be used to redress the grievance I have set forth, I shall beg leave to take occasion to obviate an objection that may be thrown out: “ That
 “ as Welshmen find preferment in every part of
 “ England, it is but reasonable that Englishmen
 “ should be preferred in Wales.”

I would by no means draw any odious national distinction, nor object to an Englishman or Scotchman,

man, in any other view than as one unqualified to do the duty, as much as a Turk or a Pagan. And if a Welsh Clergyman by chance picks up a little Vicarage in England, it cannot be thought unreasonable, as all the Welsh Bishopricks, most of the Deanries, Chancellorships, and Livings of any value in Wales, are in the hands of English and Scotchmen; for even the sterility of Wales is no protection against the rapacity of these northern Locusts!

With respect to the means that may be used in order to remedy the grievance. It has been proposed to the Author of these *Considerations* to lay before the public, by some Gentlemen dignified with eminent senatorial abilities, that their endeavours would not be wanting in order to procure an Act to explain the Vth of Elizabeth, whereby this grievance might be redressed. If such an Act can be passed, it would be the most effectual means to remedy this evil, and would prevent much trouble and expence, which must unavoidably be occasioned by a judicial decision.

But as it has been doubted whether such an Act could be passed ; the following methods were pointed out by the most eminent Lawyers upon a case laid before them, by the patriotic SOCIETY of CYMRODORION, for their * opinions, the substance of which, at the request of the Society, is here made public.

*The CASE stated for the Opinions
of Counsel.*

1766. B. was collated by the Bishop *jure patronatus* to the Rectory of T. *cum cura animarum* in the County of A—— and the Diocese of B—— in Wales. In that parish the Welsh Tongue only is used and understood, and the inhabitants in general are totally unacquainted with any other Language. B. (who has likewise been inducted into the said Rectory) was at the time of induction, and at present is, totally unacquainted with the Welsh Language, and consequently

* Whoever is desirous of seeing the original opinions, may be favored with a sight of them by applying to the Society of Cymrodorion.

Bowles
Draceth
Lusey
gon

consequently incapable of reading the Liturgy of the Church of England in that Tongue, as prescribed by the Stat. of the Vth of Eliz. and the XIVth of Charles the Second, and of performing any parochial duty whatsoever.

Quere, Whether B. is not by Law disabled to hold the Rectory of T? If he is, please to point out the proper method to remove the said B.

The substance of the OPINIONS
given on this CASE are as follows :

OPINION.

That by the common Law * ignorance of the Welsh Language seems to be no disability, as was admitted in *Albany's Case*. Nor was it the direct end of the Statutes of the Vth of Eliz. and XIVth of Charles the Second to have introduced such a disability.

E 4

* Before the Reformation the Service was in Latin, and consequently it may be, that by the common Law the knowledge of no other Language was required, or necessary.

ability. The end proposed by those Statutes is attained by other means ; for since the Vth of Elizabeth, ignorance of the Welsh Language is a good cause of refusal in the Bishop ; and it is traversable, and may be put in Issue (Cr. El. 727). and the Bishops have it in their power to take such order * for the souls healths of their flocks, as to secure the discharge of parochial duties : and the Act of the Vth of Elizabeth, mentions divine service to be performed by the *Ministers and Curates*, though in the same place the Parson and Vicar are mentioned to another purpose.

That this is a point (if the country are desirous of trying) may easily be put into a mode of tryal by a Quare impedit to be brought by a Patron whose presentee may be refused by the Bishop †.

If

* It is presumed that the Legislature, when they enacted the Vth of Eliz. and XIVth of Charles the Second, never had it in contemplation, that the Bishops would take *such* order for the soul's health of their flocks, as to admit Presentees who understood not the people's Language, to Livings.

† It is to be hoped, that the Bishops will take the first opportunity of refusing a Presentee that understands not the Welsh Language.

If in this case *B*'s incapacity be insisted upon, a suit may be instituted to obtain a sentence of Deprivation.

W. G. *William Gave*

OPINION.

THAT there is no doubt but that the ignorance of the Welsh Language in the presentee is a good cause of refusal in the Bishop, which is clear from many cases of law, the Articles of the Church, and the Acts of parliament referred to.

That if the Bishop might have refused him on that account, it should seem that he ought to have done so. That as he has admitted him, his judgment is not subject to the control of a temporal court. That as the Incumbent appears to be incapable of performing the duties of his function, from his unacquaintance with the Language, in which alone they are to be performed, that incapacity (it is conceived) is a *sufficient cause of deprivation*, on instituting a suit for that purpose in the ecclesiastical court.

That

That it may be material to observe, that the *Act of Uniformity* requires every person, within two months after he is in possession of any Ecclesiastical benefice, (unless there be some lawful impediment to be allowed by the Ordinary, and then within two months after the removal of such impediment) shall openly and publicly read the Morning and Evening services and declare his assent, &c. on pain of being *ipso facto* deprived. This, it is apprehended, in the present case ought to have been done in Welsh (by the 27th Sect.) and as, it is presumed it was not, nor could be done by the present incumbent, it may be material to be insisted upon in a suit to deprive him. That for the proper steps to be taken in such a suit, it is proper to consult the Gentlemen that are conversant in the civil and canon Laws.

John Ousning

J. D.

3d Jan. 1768.

OPINION.

IF what is laid down in the case of *Colt* and *Glover* (Hob. 148) is Law (and I see no reason why

why it should not) I should be inclined to think, that even by the common Law, ignorance of the Welsh Language in a presentee to a Living in Wales, is a disability to hold such a Living. For it is there held, “ That there can be no dispensa-
 “ tion to a person to hold a Living in England
 “ that understands not English ; for it is the
 “ essence of a Pastor to be didacticus, to teach the
 “ people in their own Language ; and that *Be-*
 “ *neficiū non datur nisi propter officium.* And it
 “ is no reply, that the cure may be served by a
 “ Curate for them ; for the question is not, how
 “ they can make a Curate ? but how themselves
 “ are capable ? for the office must radically vest
 “ in the first Grantee, before it can go in Depu-
 “ tation.”

But whether ignorance of the Welsh Language by the common Law, is or is not a disability to hold a Living in Wales, where that Language is in common used, is not so material since the Acts of the Vth of Eliz. and XIVth of Charles the Second.

For by those Statutes the Welsh Language is directed to be used and read in the Churches
 there

there by the Ministers and Curates; and by the XIVth of Charles the Second the Incumbent is to read the Morning and Evening Service, &c. and (if resident) to perform the duty once a month; this an Incumbent who is ignorant of the Welsh Language cannot do, as prescribed by the Statutes, in the Welsh Tongue; therefore he is disabled under these Acts.

In order to have brought this matter before a temporal court, I am inclined to think it might have been done by the parishioners preventing the Archdeacon from inducting *B.* and refusing to pay him the Tithes (to which he has no right till induction) this would have made him Plaintiff; and, upon a proper Plea, might have brought his disability in question. But as, in the present case, it is stated that there has been induction, the only legal remedy that is to be had, (I think) is by instituting a suit^x in the Archbishop's Court, which may be brought by way of appeal before the delegates.

As ignorance of the only Language that is used and understood, includes a total inability to perform any part of the parochial duties, it seems

*A suit was accordingly instituted and the
 names of D.^r Hay, Dean of the Arches, and
 'Sant of the Welsh Language is a good cause
 Refusal in the Bishop's
 See the Royal*

to me that *B.* is subject to deprivation as a person
minime habilis nec idoneus.

J. J. *John Jones,*
Temple, Jan. 1. 1763.

Having thus laid before the public all that has occurred to me on this interesting subject, and pointed out the means of redress; I have now finished what I at first proposed; and shall only add, that if this seems to the Gentlemen of the Principality of Wales a grievance that ought to be remedied, I wish them all the success that so good a cause deserves.

F I N I S.

C O R R I G E N D A.

- Page 27. Thirteen pounds, *lege* Forty pounds.
 36. If he collates a person by Law disabled to hold the Living, the collation is *ipso facto null and void*, &c.
lege, If he collates a person by Law disabled to hold the Living, the Ecclesiastical Court may proceed to sentence of deprivation.
 37. There never was an Instance of a Clergyman being preferred, *lege*, There have been few instances of Clergymen being preferred.

*The Tragal referred to on the other side is bound
in my Collection of Miscellanies N^o 29.*



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J. H. Smith, New York, N. Y.

